

**FRANKFORT/FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS**  
**March 6, 2007**

Vice Chairman Mitch Buchanan called the meeting to order at 5:30 p.m.  
Recording Secretary Dawn McDonald called the roll.

MEMBERS PRESENT:	Mitch Buchanan
	Kathy Peale
	Barry Holder, Jr.
	Paul Looney

MEMBERS ABSENT:	Joyce Honaker
	Keith Goins

Vice Chairman Mitch Buchanan called the meeting to order.

The first item of business was the election of officers. Ms. Peale made a motion to nominate Mitch Buchanan as chairman the motion was seconded by Mr. Holder and carried unanimously. Ms. Peale made a motion to nominate Mr. Looney as Vice Chairman the motion was seconded by Mr. Buchanan and carried unanimously. Mitch Buchanan will be Chairman and Paul Looney will be Vice Chairman.

Mr. Buchanan introduced the staff members present: Gary Muller, City Planning Director, Maya Derosa, City Planning Supervisor, Justin Evilsizor, City Staff Planner, Robert Hewitt, Franklin County Planning Director and Ed Logan, Staff Attorney.

The next item of business was approval of the July 9, 2006 minutes. Mr. Buchanan made a motion to approve the minutes the motion was seconded by Mr. Looney and carried unanimously.

Mr. Hewitt made a request to table item one of new business. Ms. Peale made a motion to table the item, the request of George Omara for a variance to Article 4, Section 4.134 Bulk Density and Height, to allow a reduction in the front yard setback. The motion was seconded by Mr. Buchanan and carried unanimously.

Mr. Evilsizor stated that in addition the applicant of item two under new business has requested to remove the item from the agenda.

The next item of new business was a request from Tim and Rebecca Hubbard, a request for a variance to reduce the front yard setback from 25 feet to 18 feet for a proposed single family residence located at 120 North Ridge.

Mr. Evilsizor was present for the staff report. He passed out a letter from the applicant. Mr. Evilsizor stated that the original building permit was applied for by Sherrow Construction and that after the footer inspection the property changed hands. He

explained that the garage extends 7' into the front yard setback. The applicant is requesting a variance to allow the garage to extend into the front yard setback. Mr. Evilsizor stated that with findings A, B, C & D that are required for variances as determined by Article 18.05 staff is recommending approval with one condition. That condition being that the variance is limited to the proposed garage as it currently exists and all other additions or accessory structures shall be located at the required setbacks.

Mr. Looney asked about the inspection process concerning measuring from the center of the arc or property pins located at the property corners. Mr. Evilsizor stated that the city building inspector approves the inspections and that thru conversations with the building inspector he understood that it was more difficult to determine that measurement when a property is located in a cul-de-sac where that line is an arc rather than a straight line. Ms. Peale asked if the other houses met the setbacks. Mr. Evilsizor replied that those houses had been inspected and that he did not verify but from the pictures it appears as though they do meet the setbacks. Ms. Peale asked if the house was already basically completed. Mr. Evilsizor replied that the property has passed most inspections.

Mr. Buchanan swore in John Baughman of Frankfort, KY, the attorney speaking on behalf of the applicants Tim and Rebecca Hubbard. He stated that the Hubbards were kind of innocent victims in this. He said this came up when Mr. Hubbard was notified from his neighborhood. He himself notified Mr. Evilsizor of the situation inquiring about what could be done. He said the inspector made a mistake but in all fairness to him the issue of the diameter of the cul-de-sac may have taken him by surprise. What they are told is that the plat says that it is a 50' radius but the developer for whatever reason enlarged it to a 60' radius without amending the plat. He said that is why they submitted a letter from Marshall Flynn an appraiser for local banks in Frankfort. Mr. Baughman asked him if he thought this would affect the value of this property or other property values. He looked at it and said it was alright, he went on to say that they asked the neighbors what they thought. They provided a letter from Mr. Chip Banks stating that it didn't bother him. Technically the applicants are in violation but fortunately they have a board that can use some judgment in this situation rather than have the staff issue and order to tear down that portion of the garage. They are pleased that they have a report that recommends approval.

Mr. Holder asked if the applicant was okay with the condition that's been placed on the approval. Mr. Baughman replied yes.

Mr. Holder made a motion that in accordance with Articles 4 and 18 of the City of Frankfort Zoning Ordinance to approve the variance to reduce the front yard setback from 25' to 18' for a proposed single family residence located at 120 North Ridge Court with the one condition that the variance request is limited to the proposed garage as it currently exist and that all other additions or accessory structures shall meet be located at the required setbacks. The motion was seconded by Ms. Peale and carried unanimously.

A motion was made by Mr. Holder to adjourn. The motion was seconded by Mr. Looney and carried unanimously.

\_\_\_\_\_Chairman

\_\_\_\_\_Recording Secretary